

REMARKS/ARGUMENTS

Claims 1-44 are pending, and Claims 45-49 have been withdrawn as a result of a restriction requirement. In the Office Action, the Examiner rejects Claims 1-6 and 10-16 under 35 U.S.C. §112, second paragraph, as being indefinite. However, this rejection appears to be moot, as Claim 2 was amended in Applicant's previous response to correct claim dependency. Moreover, the Examiner rejects Claims 1-44 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,981,985 to Brown et al. Applicant respectfully submits that independent Claim 1 is currently distinguishable from the cited references. In light of the subsequent remarks, which do not raise new issues, Applicant respectfully requests reconsideration and allowance of the claims.

Brown discloses a stent (10) that includes interconnected struts (12). At least one strut includes a bumper (16), which is a protrusion of material extending outward from at least a portion of the body (14) of the strut. Brown discloses that the stent may include any number of bumpers and protrude from the inside (22) or outside (24) surface of a strut. The bumpers are configured to reduce or prevent contact between adjacent struts when the stent is radially constricted, between the inner surface of the stent and a catheter, or between the outer surface of the stent and an outer sheath. Moreover, Brown discloses that the stent may include a substance, such as a coating capable of delivering the substance to a location in the body lumen.

In Applicant's previous response, independent Claim 1 was amended to recite that the medical appliance includes a coating coupled with the scaffolding such that the exterior surface of the scaffolding is raised with respect to the coating extending **substantially over an area between the struts** of the scaffolding. The Examiner contends that Brown reads on the broadest reasonable interpretation of Claim 1.

Applicant respectfully disagrees with the rejection of independent Claim 1 over Brown. The Examiner relies on FIGS. 1 and 8-11 of Brown in support of the rejection. As shown in FIG. 1 of Brown, a portion of a strut (12) may be coated with a substance (16), and a bumper (14) protrudes outwardly from the strut to reduce or prevent contact between adjacent struts when in a reduced configuration in order to protect the coating (see FIG. 3). The bumpers may

protrude from the inner or outer surfaces of the strut, and FIGS. 9-11 simply show that bumpers may be utilized to prevent adverse contact between the stent and a catheter. Therefore, at most, Brown discloses that the struts are coated with a substance, but this substance does not extend substantially over an area between the struts. Moreover, to the extent that the bumpers on the struts are interpreted as a "coating," the bumpers also do not extend substantially over an area between the struts. FIG. 1 of Brown plainly shows that the bumpers and substance do not extend substantially over an area between the struts and even when in the reduced configuration, FIGS. 3 and 4 of Brown show that the bumpers extend over an area that is less than the area that is not covered by the bumpers.

The bumpers are only employed to prevent contact between adjacent struts such that there is no motivation to provide the bumpers substantially over an area between the struts. In fact, providing bumpers that extend substantially over area between the struts would render Brown unsatisfactory for its intended purpose, i.e., being drawn down to a reduced configuration for delivery through a catheter since the bumpers would prohibit the stent from being drawn down to the reduced configuration. In addition, Brown discloses that the bumpers are typically formed from the same material as the struts (i.e., a metallic material) such that the bumpers would inhibit flexing of the stent if the bumpers were to extend substantially between the struts. As such, Brown nowhere teaches or suggests that the substance or the bumpers extend substantially over an area between the struts.

Therefore, Applicant submits that Brown fails to teach or suggest independent Claim 1 and that the rejection under 35 U.S.C. §102(e) is overcome. Because the dependent claims include each of the recitations of a respective independent claim, Applicants further submit that the dependent claims are also allowable for at least those reasons discussed above with respect to independent Claim 1.

Although the dependent claims are allowable for at least those reasons discussed above, Applicant respectfully submits that several of the dependent claims are further patentably distinct from the cited references, taken individually or in combination. In fact, the Examiner simply dismisses several of the dependent claims as being anticipated by Brown without providing any evidence supporting such conclusions. As such, Applicant submits that the Examiner has failed

to satisfy the requirement under MPEP §707.07(f) to provide a clear explanation for the rejection of the dependent claims and requests clarification with respect to the rejection of the dependent claims.

In any event, Applicant respectfully submits that Brown does not teach or suggest that the coating is coupled with the scaffolding such that both the struts and the area between the struts are coated, wherein the coating is of sufficient thickness to prevent the medical appliance from becoming epithelialized when installed in the desired portion of the patient's anatomy. As disclosed in the present application, the stent may be coated to prevent epithelialization of the stent. Preventing epithelialization allows the stent to be removed or repositioned if desired and maintains the patency of the stent lumen. Brown nowhere teaches or suggests that the stent substance or bumpers cover both the stent and the area between the struts in order to prevent epithelialization. In fact, because the substance and bumpers do not extend between the struts, the stent of Brown would become epithelialized. Thus, Brown also does not teach or suggest Claim 2.

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Reply to Office Action of July 8, 2008

CONCLUSION

In view of the amended claims and remarks presented above, which do not raise new issues, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 50-2764.

Respectfully submitted, .



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